



**CITY OF CAMBRIDGE**  
OFFICE OF CITY CLERK  
**INTEROFFICE CORRESPONDENCE**  
MAR 22 11 50 AM '85  
CAMBRIDGE, MASS.

*Paul Healy*  
*to file*

**To** Robert W. Healy  
City Manager

**Date** March 4, 1985

**From** Joan Lastovica  
City Engineer

*JL*

**Reference**

**Subject** Calculations of Land for Inclusionary Zoning

Final calculations for land owned by registered objectors are complete. This total equals 785.39 acres, (see table two).

The land owned by registered objectors (785.39 acres) equals thirty-one percent (31%) of the land area subject to inclusionary zoning (2489.61 acres), based on calculations in memo of 2/1/85, (attached).

March 4, 1985

TABLE TWO  
CALCULATIONS OF LAND OWNED BY REGISTERED OBJECTORS (in acres)

OBJECTOR	ACRES
Harvard University	199.20
MIT	199.14
Radcliffe	20.86
Commonwealth Gas Co.	3.75
Cambridge Electric Light Co.	33.83
Petitions dated 12/4/85 & 1/4/85	66.95
Petitions dated 12/17/84 , 1/14/85 1/21/85 & 1/19/85	232.62
Petitions dated 2/4/85 , 2/11/85 & 2/25/85	29.04
Total	<u>785.39</u>



CITY OF CAMBRIDGE  
INTEROFFICE CORRESPONDENCE

To : Mr. Robert W. Healy  
City Manager

Date : February 11, 1985

From : Joan Lastovica JL  
City Engineer

Reference

Subject : Calculations of Land for Inclusionary Zoning

Based on further refinement, verification and updating of land areas calculated for inclusionary zoning, and land owned by registered objectors, (see memo dated February 1, 1985) the following re-calculated areas are presented for consideration.

These re-calculated areas do not significantly change the areas identified in memo of 2/1/85. The land owned by registered objectors tallied to date (777.56 acres), exceed twenty percent (20%) of land area subject to inclusionary zoning (2617.96 acres).

These re-calculated areas resulted as we were unable to verify the MDC Land Area of 322.59 acres, from either documents of records or the Commonwealth of Massachusetts. Therefore, using a conservative approach we scaled the MDC Land Areas off of plans on file, and determined these areas to be 186+ acres. These areas are: MDC Rights-of-Ways, bank of the Charles River, and MDC Park lands. This figure does not include the Alewife Reservation. The Alewife Reservation is counted under Zoned Open Space.

Additionally, we added the Old Burying Ground Cemetery to the list, and updated the Public Ways area. These additions represent a 4.5 percent increase in the land area subject to inclusionary zoning, and a corresponding 4.5 percent increase in the twenty percent figure from 497.92 acres to 523.59 acres. See Table One A.

The land area owned by registered objectors reached 777.56 acres as of 12:00 PM, ~~Friday~~ February 11, 1985 with 47 more petitioners to count. See Table Two.

Conclusions

- 1) Re-calculated land area subject to inclusionary zoning equals 2617.96 acres
- 2) Twenty percent of this figures equals 523.59 acres
- 3) As of 12:00 PM, February 11, 1985, the land owned by registered objectors equals 777.56 acres
- 4) Land area owned by registered objectors exceeds 20 percent of land area subject to inclusionary zoning.

TABLE ONE

A

CALCULATION OF LAND SUBJECT TO INCLUSIONARY ZONING (in acres)

Total area of the City..... 4486.40

Water Area

Charles River ..... 305.57  
Fresh Pond..... 166.47  
Lechmere Canal..... 2.07

Total Water Area..... 474.11

Zoned Open Space

Fresh Pond Land Area..... 158.32  
Alewife Reservation..... 50.±  
City Dump ..... 74.81  
Russell Field ..... 11.±  
Maple Avenue..... 0.13

Total Zoned Open Space..... 294.26

Cemeteries

Cambridge ..... 64.25  
Mt. Auburn..... 11.65  
Old Burying Ground..... 1.97

Total Cemeteries ..... 77.87

Public Ways ..... 681.67

MDC Land Area ..... 186.±

City Parks & Playgrounds ..... 154.53

TOTAL AREA EXEMPT FROM INCLUSIONARY ZONING..... 1868.44

LAND AREA SUBJECT TO INCLUSIONARY ZONING..... 2617.96

TWENTY PERCENT (20%) ..... 523.59

Comm. from Joan Lastovica, City Engineer, transmitting the final calculations for land owned by registered objectors to the inclusionary zoning petitions, equaling 31% of the land area subject to inclusionary zoning.

In City Council,

April 1, 1985

4/1/85

Placed on File  
Copy to be filed  
with Petition

#14

Revised  
Sept

# City of Cambridge

MASSACHUSETTS

In City Council

~~9/4/~~ 1985

CVTJ #14 Fray Park

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay		✓		
Ms. Sandra Graham		✓		
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf		✓		
Mayor Russell		✓		

4 5 0

Failed

Revised Sept.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Five

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting the existing Section 5.25 - FAR Exceptions and substituting in place thereof a new Section 5.25 - Floor Area Ratio as follows:

A. 5.25 Floor Area Ratio

a. The maximum ratio of floor area to lot area indicated in Section 5.30 - District Dimensional Regulations shall be permitted only upon compliance with the provisions of Sections 11.100, 11.200, 11.300 of this Ordinance. Maximum Floor Area Ratios permitted without reference to the provisions of Sections 11.100 - 11.200 shall be 80% of those indicated in Section 5.30 for lots of one (1) acre or less, and 50% for lots greater than one (1) acre, as illustrated by the following schedule.

<u>Maximum FAR in Table 5.30</u>	<u>80% of FAR in Table 5.30</u>	<u>50% of FAR in Table 5.30</u>
.5	.4	.25
.75	.6	.375
1.00	.8	.50
1.25	1.00	.625
1.50	1.20	.75
1.75	1.40	.875
2.00	1.60	1.00
2.50	2.00	1.25
3.0	2.40	1.50
4.0	3.20	2.0

b. FAR Exceptions. A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

- B. Also, to amend the Zoning Ordinances of the City of Cambridge by creating three new sections 11.100, 11.200 and 11.300 as follows:

11.100 Low and Moderate Income Household Inclusionary Housing Requirements for Residential Development.

11.101 Purpose.

This Section 11.100 is intended to require the provision of low and/or moderate income family housing as a component of many new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.102 Applicability.

11.102.1 The provision of this Section 11.100 shall apply to any residential development containing any one or combination of the following uses:

- (a) Detached dwelling for one family (4.31a)
- (b) Two family dwelling (4.31b)
- (c) Townhouse development (4.31d)
- (d) Multifamily dwellings (4.31g)
- (e) Existing dwelling converted for more than two families (4.31h)
- (f) Elderly oriented congregate housing (4.31e)
- (g) Existing dwelling converted for elderly oriented congregate housing (4.31f)

11.102.2 The uses listed in the above Section 11.102.1 shall comply with the provisions of this Section 11.100 when they are created by (a) new construction or (b) conversion of a non-residential structure to residential use. For the purpose of this Subsection 11.102.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure. No provision of this Section 11.102.2 regarding substantial rehabilitation shall modify any requirements for a removal permit for housing units subject to rent control. However, substantial rehabilitation of dwellings subject to Cambridge's rent control ordinance and approved by the Cambridge Rent Control Board shall not be subject to the provisions of this Section 11.100.

11.103 Quantity Requirements.

11.103.1 Purpose.

These requirements are intended to ensure that most new residential development in the City contain units available to low and moderate income families who are not served by new market rate housing construction.

11.103.2 Any residential development containing uses subject to this Section 11.100 as determined by Section 11.102 above shall make provision for units suitable for, affordable by and available to low and moderate income households (herein after known as required units) in an amount equal to at least 25% percent of the total number of residential units authorized. The requirements of this Section 11.100 shall apply to the total development authorized on the subject lot (as defined in Section 11.305) only after application of both of the following threshold and exemption provisions:

Threshold

- (a) Total gross floor area of all development on the lot (residential and other uses) is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, or 50% for lots greater than one (1) acre. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district which are permitted or required as-of-right, as detailed in Section 5.30.

Exemption

- (b) More than nine (9) dwelling units have been constructed after the effective date of this Section 11.100. The twenty-five (25%) percent requirements of this Section 11.103 shall however be applied only to dwelling units constructed in excess of the seven units described in this paragraph (b).

Where the application of the 25% requirement results in a fractional number one additional inclusionary unit shall be provided.

11.103.3 All requirements of Section 11.300 shall be met.

11.200 Low and Moderate Income Linkage Housing Requirements for Office, Institutional and Retail Development.

11.201 Purpose

This Section 11.200 is intended to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.202 Applicability

11.202.1 The provision of this Section 11.200 shall apply to any office, institutional and retail development containing any one or combination of the following uses; except a non-profit hospital.

- (h) Hotel or Motel (4.31 i(2) )
- (i) Radio and television studio (4.32f)
- (j) Office and laboratory use (4.34)
- (k) Retail business and consumer service establishments (4.35)
- (l) Institutional Uses (4.33 as detailed in 4.56c 5, 6,8; d 1,2; e 1-7)

11.202.2 (a) The uses listed in the above Section 11.202.1 shall comply with the provisions of this Section 11.200 when they are created by (a) new construction or (b) conversion from any use not listed in 11.202.1 above. For the purpose of this Subsection 11.202.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure.

(b) Except for non-residential structures converted to residential use which shall be subject to Section 11.100 no structure once subject to the provisions of this Section 11.200 shall be additionally subject to this Section if converted to another use listed in Subsection 11.202.1

11.203 Quantity Requirements

11.203.1 Purpose

These requirements are intended to ensure that the increased demand for housing generated by new employees brought to Cambridge by commercial and other non-residential development does not further disadvantage low and moderate income families already unable to secure adequate affordable housing.

- 11.203.2 Any office, institutional or retail development subject to this Section 11.200 as determined by Section 11.202 above shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households (required units) in an amount equal to one required unit for each 12,000 square feet of gross floor area authorized on the subject lot as defined in Section 11.305 after application of both of the following threshold and exemption provisions. Where the application of the above requirement results in a fractional number one additional unit shall be provided.
- a. Exemption

The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.200 shall be exempt from requirements of this Section 11.200 Where the gross floor area constructed is as a result of substantial rehabilitation of an already existing structure, 50,000 square feet shall be exempt.

b. Threshold

The total gross floor area of all development on the subject lot, as defined by Section 11.200, is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, and 50% for lots greater than one (1) acre. Nevertheless, with the exception of the gross floor area identified in paragraph (a) above all gross floor area constructed after the effective date of this Section 11.200 shall be subject to the linkage requirements of this Section 11.200 once the 80% or 50% thresholds have been exceeded. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district that are permitted/required as-of-right, as detailed in Section 5.30.

- 11.203.3 All requirements of Section 11.300 shall be met.

11.300 STANDARDS, CRITERIA, PROCEDURES, AND ADMINISTRATION FOR INCLUSIONARY AND LINKAGE HOUSING REQUIREMENTS.

11.301 Special Permit

All residential, office, retail and institutional development subject to Sections 11.100 and 11.200 shall be permitted only after issuance of a special permit from the Planning Board of the City of Cambridge. In issuing a special permit the Board shall find that the provisions of Section 10.40 have been met as well as the purposes, standards and criteria established in these Sections 11.100, 11.200 and 11.300.

11.301.1 All deeds, agreements, site plans, and other documents necessary to demonstrate compliance with the provisions of Sections 11.100 - 11.300 shall be submitted to the Planning Board as part of the special permit application.

Should a special permit be issued all agreements necessary to ensure the construction of units or equivalent payment to the City shall be executed before the issuance of a building permit. No certificate of occupancy for any building in an authorized development shall be issued until the units required have been constructed, the payment required has been made to the City, or an arrangement has been made for compliance over an agreed upon length of time, not to exceed ten (10) years.

Any required payments or deferred compliance obligations shall constitute a lien on the property. The Planning Board shall require the execution of such surety as may be necessary to ensure compliance should it be made after the issuance of a certificate of occupancy.

11.302 Options for provision of required units

11.302.1 The low and moderate income units required in Sections 11.100 and 11.200 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site or on another site or sites elsewhere in Cambridge provided the provisions of this Section 11.300 are met.
- (b) Cash payment to the City of Cambridge to be administered in accordance with policies and standards developed by the Cambridge Inclusionary Housing and Linkage Advisory Committee herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with of this Section 11.300. Such cash payment may be made over ten years provided any deferred payments are made in constant dollars as determined by the Consumer Price Index.
- (c) Conveyance of vacant land to the City of Cambridge which in all aspects of location, zoning, access, shape, etc. is suitable for the construction of housing and has a current appraised fair market value at least equal to (b) above.

11.303 Determination of cash equivalency

The cash equivalent of the required units, as authorized in 11.302.1 (b) above, shall be \$40,000 per required unit, adjusted annually by the Community Development Department using the consumer price index for the Boston Metropolitan Area as published by the United States Department of Labor or any successor agency.

11.304 Characteristics of Required Units

The following standards shall be applied to all required units built or financed in whole or in part through the provisions of Sections 11.100-11.200. The Advisory Committee may, as part of its responsibilities, develop such policies and standards as may be appropriate to advance the intent of the following regulations.

11.304.1 The required units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.300 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where housing is to be devoted exclusively to elderly, handicapped, and other special needs households these restrictions as to unit and family size shall not apply.

11.304.2 For the purpose of these Sections 11.300 a low/moderate income household shall be one having an eligible income not exceeding 80% of the median family income for the Boston Metropolitan Area; the median family income shall be as determined by the federal Department of Housing and Urban Development or any successor agency, and shall be adjusted for family size.

Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.304.3 The required units shall, to a reasonable extent, serve a diversity of incomes and family sizes and shall to the extent possible preferentially serve Cambridge residents. It is the intent of these Sections 11.100 - 11.300 that very low income as well as moderate income households be served.

The Advisory Committee shall establish standards for the size of required units which shall be consistent with the size of similar units in public, assisted, and market rate housing.

- 11.304.4 The required units shall be dispersed throughout the housing development and not concentrated in any one location.
- 11.304.5 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low and moderate income households will be available for a minimum of twenty years for those low and moderate income households.
- 11.304.6 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development unless otherwise permitted by the Planning Board.
- 11.304.7 The provisions of this Section 11.300 shall not apply to housing constructed by a public agency or non-profit corporation using a federal, state or local housing assistance program.
- 11.304.8 The City of Cambridge encourages developers to exceed the inclusionary housing requirements of Section 11.100. It is the intention of these Sections 11.100-11.300 that such developments should receive priority access to available housing subsidies.
- 11.305 Property Subject to this Section

The provisions of Sections 11.100-200 shall apply to all new construction and converted buildings constructed on a lot after the effective date of these Sections 11.100-300. For the purpose of Sections 11.100 - 11.200 a lot shall be defined as:

- (a) a lot or adjacent lots in the same ownership in existence on November 15, 1984 regardless of any subsequent change in ownership or control or subdivision thereof; or
- (b) a group of such Lots in different or the same ownership on November 15, 1984 which has been assembled in whole or in part for development purposes or which constitutes a development parcel.

The provisions of Sections 11.00 and 11.200 shall be applied to the cumulative number of units and/or gross floor area constructed on a lot after November 15, 1984 as determined by this Section 11.305

- 11.306 Cambridge Inclusionary Housing and Linkage Advisory Committee

There shall be established a Cambridge Inclusionary Housing and Linkage Advisory Committee which shall be governed by a seven member board whose members shall be residents of Cambridge and appointed by the City Manager, as follows:

- (a) a representative from the Cambridge Housing Authority
- (b) a representative of a Cambridge based non-profit housing corporation, on a rotating basis.
- (c) a Cambridge tenant
- (d) a Cambridge homeowner
- (e) a Cambridge based business person or real estate developer
- (f) a Cambridge lender
- (g) Cambridge City Manager or his designee

11.306.1 Powers, Duties and Responsibilities of the Advisory Committee

The Advisory Committee shall:

- (a) Review the dispersal of all funds and land conveyed to the City of Cambridge under the provisions of these Sections 11.100 and 11.200.
- (b) Develop such policies production and standards as may be appropriate for the of housing required and/or financed under the provisions of these Sections 11.100 - 11.300.
- (c) Provide assistance to the Planning Board in the administration of this Section 11.300

The Advisory Committee shall have all powers necessary to carry out its responsibilities under the provisions of this Section 11.306 and shall receive staff, technical and administrative assistance from the Cambridge Community Development Department.

11.306.2 All deeds, agreements, site plans, and other documents submitted to the Planning Board in application for a special permit under Sections 11.100, 11.200 and 11.300 shall be submitted to the Advisory Committee for review prior to the issuance of a special permit. Within sixty-five (65) days of such submittal to the Advisory Committee it shall make a report to the Planning Board as to whether all requirements of this Section 11.300 have been met. No special permit may

be granted until the Board has received such written report from the Advisory Committee, or 65 days have elapsed.

- C. The Zoning amendments A and B shall take affect upon ordination by the City Council. Building Permits issued before ordination shall conform to the Zoning Provisions currently in effect.



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Five

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting the existing Section 5.25 - FAR Exceptions and substituting in place thereof a new Section 5.25 - Floor Area Ratio as follows:

A. 5.25 Floor Area Ratio

a. The maximum ratio of floor area to lot area indicated in Section 5.30 - District Dimensional Regulations shall be permitted only upon compliance with the provisions of Sections 11.100, 11.200, 11.300 of this Ordinance. Maximum Floor Area Ratios permitted without reference to the provisions of Sections 11.100 - 11.200 shall be 80% of those indicated in Section 5.30 for lots of one (1) acre or less, and 50% for lots greater than one (1) acre, as illustrated by the following schedule.

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.5	.4	.25
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1.50	1.20	.75
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2.50	2.00	1.25
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4.0	3.20	2.0

b. FAR Exceptions. A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

- B. Also, to amend the Zoning Ordinances of the City of Cambridge by creating three new sections 11.100, 11.200 and 11.300 as follows:

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11.101 Purpose.

This Section 11.100 is intended to require the provision of low and/or moderate income family housing as a component of many new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.102 Applicability.

11.102.1 The provision of this Section 11.100 shall apply to any residential development containing any one or combination of the following uses:

- (a) Detached dwelling for one family (4.31a)
- (b) Two family dwelling (4.31b)
- (c) Townhouse development (4.31d)
- (d) Multifamily dwellings (4.31g)
- (e) Existing dwelling converted for more than two families (4.31h)
- (f) Elderly oriented congregate housing (4.31e)
- (g) Existing dwelling converted for elderly oriented congregate housing (4.31f)

11.102.2 The uses listed in the above Section 11.102.1 shall comply with the provisions of this Section 11.100 when they are created by (a) new construction or (b) conversion of a non-residential structure to residential use. For the purpose of this Subsection 11.102.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure. No provision of this Section 11.102.2 regarding substantial rehabilitation shall modify any requirements for a removal permit for housing units subject to rent control. However, substantial rehabilitation of dwellings subject to Cambridge's rent control ordinance and approved by the Cambridge Rent Control Board shall not be subject to the provisions of this Section 11.100.

11.103 Quantity Requirements.

11.103.1 Purpose.

These requirements are intended to ensure that most new residential development in the City contain units available to low and moderate income families who are not served by new market rate housing construction.

11.103.2 Any residential development containing uses subject to this Section 11.100 as determined by Section 11.102 above shall make provision for units suitable for, affordable by and available to low and moderate income households (herein after known as required units) in an amount equal to at least 25% percent of the total number of residential units authorized. The requirements of this Section 11.100 shall apply to the total development authorized on the subject lot (as defined in Section 11.305) only after application of both of the following threshold and exemption provisions:

Threshold

- (a) Total gross floor area of all development on the lot (residential and other uses) is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, or 50% for lots greater than one (1) acre. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district which are permitted or required as-of-right, as detailed in Section 5.30.

Exemption

- (b) More than nine (9) dwelling units have been constructed after the effective date of this Section 11.100. The twenty-five (25%) percent requirements of this Section 11.103 shall however be applied only to dwelling units constructed in excess of the seven units described in this paragraph (b).

Where the application of the 25% requirement results in a fractional number one additional inclusionary unit shall be provided.

11.103.3 All requirements of Section 11.300 shall be met.

11.200 Low and Moderate Income Linkage Housing Requirements for Office, Institutional and Retail Development.

11. 201 Purpose

This Section 11.200 is intended to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11. 202 Applicability

11. 202.1 The provision of this Section 11.200 shall apply to any office, institutional and retail development containing any one or combination of the following uses; except a non-profit hospital.

- (h) Hotel or Motel (4.31 i(2) )
- (i) Radio and television studio (4.32f)
- (j) Office and laboratory use (4.34)
- (k) Retail business and consumer service establishments (4.35)
- (l) Institutional Uses (4.33 as detailed in 4.56c 5, 6,8; d 1,2; e 1-7)

11. 202.2 (a) The uses listed in the above Section 11.202.1 shall comply with the provisions of this Section 11.200 when they are created by (a) new construction or (b) conversion from any use not listed in 11.202. above. For the purpose of this Subsection 11.202.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure.

(b) Except for non-residential structures converted to residential use which shall be subject to Section 11.100 no structure once subject to the provisions of this Section 11.200 shall be additionally subject to this Section if converted to another use listed in Subsection 11. 202.1

11.203 Quantity Requirements

11.203.1 Purpose

These requirements are intended to ensure that the increased demand for housing generated by new employees brought to Cambridge by commercial and other non-residential development does not further disadvantage low and moderate income families already unable to secure adequate affordable housing.

11.203.2 Any office, institutional or retail development subject to this Section 11.200 as determined by Section 11.202 above shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households (required units) in an amount equal to one required unit for each 12,000 square feet of gross floor area authorized on the subject lot as defined in Section 11.305 after application of both of the following threshold and exemption provisions. Where the application of the above requirement results in a fractional number one additional unit shall be provided.

a. Exemption

The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.200 shall be exempt from requirements of this Section 11.200 Where the gross floor area constructed is as a result of substantial rehabilitation of an already existing structure, 50,000 square feet shall be exempt.

b. Threshold

The total gross floor area of all development on the subject lot, as defined by Section 11.200, is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, and 50% for lots greater than one (1) acre. Nevertheless, with the exception of the gross floor area identified in paragraph (a) above all gross floor area constructed after the effective date of this Section 11.200 shall be subject to the linkage requirements of this Section 11.200 once the 80% or 50% thresholds have been exceeded. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district that are permitted/required as-of-right, as detailed in Section 5.30.

11.203.3 All requirements of Section 11.300 shall be met.

11.300 STANDARDS, CRITERIA, PROCEDURES, AND ADMINISTRATION FOR INCLUSIONARY AND LINKAGE HOUSING REQUIREMENTS.

11.301 Special Permit

All residential, office, retail and institutional development subject to Sections 11.100 and 11.200 shall be permitted only after issuance of a special permit from the Planning Board of the City of Cambridge. In issuing a special permit the Board shall find that the provisions of Section 10.40 have been met as well as the purposes, standards and criteria established in these Sections 11.100, 11.200 and 11.300.

- 11.301.1 All deeds, agreements, site plans, and other documents necessary to demonstrate compliance with the provisions of Sections 11.100 - 11.300 shall be submitted to the Planning Board as part of the special permit application.

Should a special permit be issued all agreements necessary to ensure the construction of units or equivalent payment to the City shall be executed before the issuance of a building permit. No certificate of occupancy for any building in an authorized development shall be issued until the units required have been constructed, the payment required has been made to the City, or an arrangement has been made for compliance over an agreed upon length of time, not to exceed ten (10) years.

Any required payments or deferred compliance obligations shall constitute a lien on the property. The Planning Board shall require the execution of such surety as may be necessary to ensure compliance should it be made after the issuance of a certificate of occupancy.

11.302 Options for provision of required units

- 11.302.1 The low and moderate income units required in Sections 11.100 and 11.200 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site or on another site or sites elsewhere in Cambridge provided the provisions of this Section 11.300 are met.
- (b) Cash payment to the City of Cambridge to be administered in accordance with policies and standards developed by the Cambridge Inclusionary Housing and Linkage Advisory Committee herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with of this Section 11.300. Such cash payment may be made over ten years provided any deferred payments are made in constant dollars as determined by the Consumer Price Index.
- (c) Conveyance of vacant land to the City of Cambridge which in all aspects of location, zoning, access, shape, etc. is suitable for the construction of housing and has a current appraised fair market value at least equal to (b) above.

11.303 Determination of cash equivalency

The cash equivalent of the required units, as authorized in 11.302.1 (b) above, shall be \$40,000 per required unit, adjusted annually by the Community Development Department using the consumer price index for the Boston Metropolitan Area as published by the United States Department of Labor or any successor agency.

11.304 Characteristics of Required Units

The following standards shall be applied to all required units built or financed in whole or in part through the provisions of Sections 11.100-11.200. The Advisory Committee may, as part of its responsibilities, develop such policies and standards as may be appropriate to advance the intent of the following regulations.

11.304.1 The required units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.300 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where housing is to be devoted exclusively to elderly, handicapped, and other special needs households these restrictions as to unit and family size shall not apply.

11.304.2 For the purpose of these Sections 11.300 a low/moderate income household shall be one having an eligible income not exceeding 80% of the median family income for the Boston Metropolitan Area; the median family income shall be as determined by the federal Department of Housing and Urban Development or any successor agency, and shall be adjusted for family size.

Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.304.3 The required units shall, to a reasonable extent, serve a diversity of incomes and family sizes and shall to the extent possible preferentially serve Cambridge residents. It is the intent of these Sections 11.100 - 11.300 that very low income as well as moderate income households be served.

The Advisory Committee shall establish standards for the size of required units which shall be consistent with the size of similar units in public, assisted, and market rate housing.

- 11.304.4 The required units shall be dispersed throughout the housing development and not concentrated in any one location.
- 11.304.5 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low and moderate income households will be available for a minimum of twenty years for those low and moderate income households.
- 11.304.6 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development unless otherwise permitted by the Planning Board.
- 11.304.7 The provisions of this Section 11.300 shall not apply to housing constructed by a public agency or non-profit corporation using a federal, state or local housing assistance program.
- 11.304.8 The City of Cambridge encourages developers to exceed the inclusionary housing requirements of Section 11.100. It is the intention of these Sections 11.100-11.300 that such developments should receive priority access to available housing subsidies.
- 11.305 Property Subject to this Section

The provisions of Sections 11.100-200 shall apply to all new construction and converted buildings constructed on a lot after the effective date of these Sections 11.100-300. For the purpose of Sections 11.100 - 11.200 a lot shall be defined as:

- (a) a lot or adjacent lots in the same ownership in existence on November 15, 1984 regardless of any subsequent change in ownership or control or subdivision thereof; or
- (b) a group of such Lots in different or the same ownership on November 15, 1984 which has been assembled in whole or in part for development purposes or which constitutes a development parcel.

The provisions of Sections 11.00 and 11.200 shall be applied to the cumulative number of units and/or gross floor area constructed on a lot after November 15, 1984 as determined by this Section 11.305

- 11.306 Cambridge Inclusionary Housing and Linkage Advisory Committee

There shall be established a Cambridge Inclusionary Housing and Linkage Advisory Committee which shall be governed by a seven member board whose members shall be residents of Cambridge and appointed by the City Manager, as follows:

- (a) a representative from the Cambridge Housing Authority
- (b) a representative of a Cambridge based non-profit housing corporation, on a rotating basis.
- (c) a Cambridge tenant
- (d) a Cambridge homeowner
- (e) a Cambridge based business person or real estate developer
- (f) a Cambridge lender
- (g) Cambridge City Manager or his designee

11.306.1 Powers, Duties and Responsibilities of the Advisory Committee

The Advisory Committee shall:

- (a) Review the dispersal of all funds and land conveyed to the City of Cambridge under the provisions of these Sections 11.100 and 11.200.
- (b) Develop such policies production and standards as may be appropriate for the of housing required and/or financed under the provisions of these Sections 11.100 - 11.300.
- (c) Provide assistance to the Planning Board in the administration of this Section 11.300

The Advisory Committee shall have all powers necessary to carry out its responsibilities under the provisions of this Section 11.306 and shall receive staff, technical and administrative assistance from the Cambridge Community Development Department.

11.306.2 All deeds, agreements, site plans, and other documents submitted to the Planning Board in application for a special permit under Sections 11.100, 11.200 and 11.300 shall be submitted to the Advisory Committee for review prior to the issuance of a special permit. Within sixty-five (65) days of such submittal to the Advisory Committee it shall make a report to the Planning Board as to whether all requirements of this Section 11.300 have been met. No special permit may

be granted until the Board has received such written report from the Advisory Committee, or 65 days have elapsed.

- C. The Zoning amendments A and B shall take affect upon ordination by the City Council. Building Permits issued before ordination shall conform to the Zoning Provisions currently in effect.



*Revised Text*  
**City of Cambridge**

In the Year One Thousand, Nine Hundred Eighty-Five

## AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

*Be it ordained by the City Council of the City of Cambridge as follows:*

The Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting the existing Section 5.25 - FAR Exceptions and substituting in place thereof a new Section 5.25 - Floor Area Ratio as follows:

A. 5.25 Floor Area Ratio

a. The maximum ratio of floor area to lot area indicated in Section 5.30 - District Dimensional Regulations shall be permitted only upon compliance with the provisions of Sections 11.100, 11.200, 11.300 of this Ordinance. Maximum Floor Area Ratios permitted without reference to the provisions of Sections 11.100 - 11.200 shall be 80% of those indicated in Section 5.30 for lots of one (1) acre or less, and 50% for lots greater than one (1) acre, as illustrated by the following schedule.

<u>Maximum FAR in Table 5.30</u>	<u>80% of FAR in Table 5.30</u>	<u>50% of FAR in Table 5.30</u>
.5	.4	.25
.75	.6	.375
1.00	.8	.50
1.25	1.00	.625
1.50	1.20	.75
1.75	1.40	.875
2.00	1.60	1.00
2.50	2.00	1.25
3.0	2.40	1.50
4.0	3.20	2.0

b. FAR Exceptions. A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

- B. Also, to amend the Zoning Ordinances of the City of Cambridge by creating three new sections 11.100, 11.200 and 11.300 as follows:

11.100 Low and Moderate Income Household Inclusionary Housing Requirements for Residential Development.

11.101 Purpose.

This Section 11.100 is intended to require the provision of low and/or moderate income family housing as a component of many new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.102 Applicability.

11.102.1 The provision of this Section 11.100 shall apply to any residential development containing any one or combination of the following uses:

- (a) Detached dwelling for one family (4.31a)
- (b) Two family dwelling (4.31b)
- (c) Townhouse development (4.31d)
- (d) Multifamily dwellings (4.31g)
- (e) Existing dwelling converted for more than two families (4.31h)
- (f) Elderly oriented congregate housing (4.31e)
- (g) Existing dwelling converted for elderly oriented congregate housing (4.31f)

11.102.2 The uses listed in the above Section 11.102.1 shall comply with the provisions of this Section 11.100 when they are created by (a) new construction or (b) conversion of a non-residential structure to residential use. For the purpose of this Subsection 11.102.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure. No provision of this Section 11.102.2 regarding substantial rehabilitation shall modify any requirements for a removal permit for housing units subject to rent control. However, substantial rehabilitation of dwellings subject to Cambridge's rent control ordinance and approved by the Cambridge Rent Control Board shall not be subject to the provisions of this Section 11.100.

11.103 Quantity Requirements.

11.103.1 Purpose.

These requirements are intended to ensure that most new residential development in the City contain units available to low and moderate income families who are not served by new market rate housing construction.

11.103.2 Any residential development containing uses subject to this Section 11.100 as determined by Section 11.102 above shall make provision for units suitable for, affordable by and available to low and moderate income households (herein after known as required units) in an amount equal to at least 25% percent of the total number of residential units authorized. The requirements of this Section 11.100 shall apply to the total development authorized on the subject lot (as defined in Section 11.305) only after application of both of the following threshold and exemption provisions:

Threshold

- (a) Total gross floor area of all development on the lot (residential and other uses) is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, or 50% for lots greater than one (1) acre. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district which are permitted or required as-of-right, as detailed in Section 5.30.

Exemption

- (b) More than nine (9) dwelling units have been constructed after the effective date of this Section 11.100. The twenty-five (25%) percent requirements of this Section 11.103 shall however be applied only to dwelling units constructed in excess of the seven units described in this paragraph (b).

Where the application of the 25% requirement results in a fractional number one additional inclusionary unit shall be provided.

11.103.3 All requirements of Section 11.300 shall be met.

11.200 Low and Moderate Income Linkage Housing Requirements for Office, Institutional and Retail Development.

11.201 Purpose

This Section 11.200 is intended to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.202 Applicability

11.202.1 The provision of this Section 11.200 shall apply to any office, institutional and retail development containing any one or combination of the following uses; except a non-profit hospital.

(h) Hotel or Motel (4.31 i(2) )

(i) Radio and television studio (4.32f)

(j) Office and laboratory use (4.34)

(k) Retail business and consumer service establishments (4.35)

(l) Institutional Uses (4.33 as detailed in 4.56c 5, 6,8; d 1,2; e 1-7)

11.202.2 (a) The uses listed in the above Section 11.202.1 shall comply with the provisions of this Section 11.200 when they are created by (a) new construction or (b) conversion from any use not listed in 11.202.above. For the purpose of this Subsection 11.202.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure.

(b) Except for non-residential structures converted to residential use which shall be subject to Section 11.100 no structure once subject to the provisions of this Section 11.200 shall be additionally subject to this Section if converted to another use listed in Subsection 11.202.1

11.203 Quantity Requirements

11.203.1 Purpose

These requirements are intended to ensure that the increased demand for housing generated by new employees brought to Cambridge by commercial and other non-residential development does not further disadvantage low and moderate income families already unable to secure adequate affordable housing.

- 11.203.2 Any office, institutional or retail development subject to this Section 11.200 as determined by Section 11.202 above shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households (required units) in an amount equal to one required unit for each 12,000 square feet of gross floor area authorized on the subject lot as defined in Section 11.305 after application of both of the following threshold and exemption provisions. Where the application of the above requirement results in a fractional number one additional unit shall be provided.
- a. Exemption

The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.200 shall be exempt from requirements of this Section 11.200 Where the gross floor area constructed is as a result of substantial rehabilitation of an already existing structure, 50,000 square feet shall be exempt.

b. Threshold

The total gross floor area of all development on the subject lot, as defined by Section 11.200, is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, and 50% for lots greater than one (1) acre. Nevertheless, with the exception of the gross floor area identified in paragraph (a) above all gross floor area constructed after the effective date of this Section 11.200 shall be subject to the linkage requirements of this Section 11.200 once the 80% or 50% thresholds have been exceeded. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district that are permitted/required as-of-right, as detailed in Section 5.30.

- 11.203.3 All requirements of Section 11.300 shall be met.

11.300 STANDARDS, CRITERIA, PROCEDURES, AND ADMINISTRATION FOR INCLUSIONARY AND LINKAGE HOUSING REQUIREMENTS.

11.301 Special Permit

All residential, office, retail and institutional development subject to Sections 11.100 and 11.200 shall be permitted only after issuance of a special permit from the Planning Board of the City of Cambridge. In issuing a special permit the Board shall find that the provisions of Section 10.40 have been met as well as the purposes, standards and criteria established in these Sections 11.100, 11.200 and 11.300.

11.301.1 All deeds, agreements, site plans, and other documents necessary to demonstrate compliance with the provisions of Sections 11.100 - 11.300 shall be submitted to the Planning Board as part of the special permit application.

Should a special permit be issued all agreements necessary to ensure the construction of units or equivalent payment to the City shall be executed before the issuance of a building permit. No certificate of occupancy for any building in an authorized development shall be issued until the units required have been constructed, the payment required has been made to the City, or an arrangement has been made for compliance over an agreed upon length of time, not to exceed ten (10) years.

Any required payments or deferred compliance obligations shall constitute a lien on the property. The Planning Board shall require the execution of such surety as may be necessary to ensure compliance should it be made after the issuance of a certificate of occupancy.

11.302 Options for provision of required units

11.302.1 The low and moderate income units required in Sections 11.100 and 11.200 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site or on another site or sites elsewhere in Cambridge provided the provisions of this Section 11.300 are met.
- (b) Cash payment to the City of Cambridge to be administered in accordance with policies and standards developed by the Cambridge Inclusionary Housing and Linkage Advisory Committee herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with of this Section 11.<sup>300</sup> Such cash payment may be made over ten years provided any deferred payments are made in constant dollars as determined by the Consumer Price Index.
- (c) Conveyance of vacant land to the City of Cambridge which in all aspects of location, zoning, access, shape, etc. is suitable for the construction of housing and has a current appraised fair market value at least equal to (b) above.

11.303 Determination of cash equivalency

The cash equivalent of the required units, as authorized in 11.302.1 (b) above, shall be \$40,000 per required unit, adjusted annually by the Community Development Department using the consumer price index for the Boston Metropolitan Area as published by the United States Department of Labor or any successor agency.

11.304 Characteristics of Required Units

The following standards shall be applied to all required units built or financed in whole or in part through the provisions of Sections 11.100-11.200. The Advisory Committee may, as part of its responsibilities, develop such policies and standards as may be appropriate to advance the intent of the following regulations.

11.304.1 The required units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.300 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where housing is to be devoted exclusively to elderly, handicapped, and other special needs households these restrictions as to unit and family size shall not apply.

11.304.2 For the purpose of these Sections 11.300 a low/moderate income household shall be one having an eligible income not exceeding 80% of the median family income for the Boston Metropolitan Area; the median family income shall be as determined by the federal Department of Housing and Urban Development or any successor agency, and shall be adjusted for family size.

Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.304.3 The required units shall, to a reasonable extent, serve a diversity of incomes and family sizes and shall to the extent possible preferentially serve Cambridge residents. It is the intent of these Sections 11.100 - 11.300 that very low income as well as moderate income households be served.

The Advisory Committee shall establish standards for the size of required units which shall be consistent with the size of similar units in public, assisted, and market rate housing.

- 11. 304.4 The required units shall be dispersed throughout the housing development and not concentrated in any one location.
- 11. 304.5 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low and moderate income households will be available for a minimum of twenty years for those low and moderate income households.
- 11. 304.6 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development unless otherwise permitted by the Planning Board.
- 11. 304.7 The provisions of this Section 11.300 shall not apply to housing constructed by a public agency or non-profit corporation using a federal, state or local housing assistance program.
- 11. 304.8 The City of Cambridge encourages developers to exceed the inclusionary housing requirements of Section 11.100. It is the intention of these Sections 11.100-11.300 that such developments should receive priority access to available housing subsidies.
- 11. 305 Property Subject to this Section

The provisions of Sections 11.100-200 shall apply to all new construction and converted buildings constructed on a lot after the effective date of these Sections 11.100-300. For the purpose of Sections 11.100 - 11.200 a lot shall be defined as:

- (a) a lot or adjacent lots in the same ownership in existence on November 15, 1984 regardless of any subsequent change in ownership or control or subdivision thereof; or
- (b) a group of such Lots in different or the same ownership on November 15, 1984 which has been assembled in whole or in part for development purposes or which constitutes a development parcel.

The provisions of Sections 11.00 and 11.200 shall be applied to the cumulative number of units and/or gross floor area constructed on a lot after November 15, 1984 as determined by this Section 11.305

- 11. 306 Cambridge Inclusionary Housing and Linkage Advisory Committee

There shall be established a Cambridge Inclusionary Housing and Linkage Advisory Committee which shall be governed by a seven member board whose members shall be residents of Cambridge and appointed by the City Manager, as follows:

- (a) a representative from the Cambridge Housing Authority
- (b) a representative of a Cambridge based non-profit housing corporation, on a rotating basis.
- (c) a Cambridge tenant
- (d) a Cambridge homeowner
- (e) a Cambridge based business person or real estate developer
- (f) a Cambridge lender
- (g) Cambridge City Manager or his designee

11.306.1 Powers, Duties and Responsibilities of the Advisory Committee

The Advisory Committee shall:

- (a) Review the dispersal of all funds and land conveyed to the City of Cambridge under the provisions of these Sections 11.100 and 11.200.
- (b) Develop such policies production and standards as may be appropriate for the of housing required and/or financed under the provisions of these Sections 11.100 - 11.300.
- (c) Provide assistance to the Planning Board in the administration of this Section 11.300

The Advisory Committee shall have all powers necessary to carry out its responsibilities under the provisions of this Section 11.306 and shall receive staff, technical and administrative assistance from the Cambridge Community Development Department.

- 11.306.2 All deeds, agreements, site plans, and other documents submitted to the Planning Board in application for a special permit under Sections 11.100, 11.200 and 11.300 shall be submitted to the Advisory Committee for review prior to the issuance of a special permit. Within sixty-five (65) days of such submittal to the Advisory Committee it shall make a report to the Planning Board as to whether all requirements of this Section 11.300 have been met. No special permit may

be granted until the Board has received such written report from the Advisory Committee, or 65 days have elapsed.

- C. The Zoning amendments A and B shall take affect upon ordination by the City Council. Building Permits issued before ordination shall conform to the Zoning Provisions currently in effect.

*After Meeting 2/25/85 Work Sheet*

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

To: The Honorable, City Council January 31, 1985

Subject: William Noble and City Council Petitions Establishing a Linkage/Inclusionary Housing Requirement in the Zoning Ordinance.

## The Petitions:

The two petitions, with variations in detail, would establish a zoning requirement that housing developments of a certain size provide 20 to 30% of the constructed units to low and moderate income families and that commercial/institutional development provide similar units at the rate of one for each 10,000 square feet of space developed. The City Council petition would allow money payments in lieu of construction of the required housing units.

## Recommendation:

Based on the findings detailed below the Board recommends that the two petitions now before Council not be adopted. In addition to concerns as to their legality under the Zoning Enabling Statute (Chapter 40A) the petitions are significantly flawed in terms of the reasonableness of their requirements and their effect on housing and commercial development in the City. The Board is however committed to the basic objectives embodied in the petitions; it therefore is forwarding draft language to the Council which reflects its deliberations to date. Nevertheless, there remain questions as to even this draft's conformance to the requirements of Chapter 40A (with specific regard to the requirement that bonuses of intensity of development be granted in exchange for the provision of low and moderate income housing). Over the next 60 days the Board would like to suggest that additional options be explored for structuring any bonus provisions in a sufficiently unambiguous way as to discourage any legal challenge to an adopted Linkage/Inclusionary Ordinance. The Council's support and participation in this effort would be of great assistance.

In addition the board recommends that should deliberation of the issue continue after the official life of the current petitions ends in early March (should they not be adopted) provisions be made for orderly processing of building permits until final passage of an ordinance is achieved.

## Findings

1. Linkage and Inclusionary requirements imposed on residential and commercial development in the City are reasonable responses to the continuing need for decent, affordable housing for a wide range of incomes and households in the City of Cambridge. Such requirements must however be reasonably related both to the impact those developments make on housing in the City and to the ability of that development to sustain the additional cost the requirements must inevitably impose.
2. It is the Board's opinion that the requirements contained in the current two petitions could not be sustained financially by the small, infill housing construction that is typical in Cambridge. Much housing production would be forgone or the price of the units available in the private market would escalate dramatically. The cost to commercial development would be substantially more than the cost imposed on similar development in Boston (comparison enclosed) and would place commercial development in the City at a significant disadvantage. Lower cost, rehabilitated space, which has served Cambridge to advantage in the past in housing small growth companies would be particularly disadvantaged.
3. Both proposals define housing and income requirements in such detail that it would be unlikely that any private development could meet them without substantial subsidy assistance; most if not all public assistance housing programs available, however, could not themselves meet the requirements of the two petitions. More flexibility would serve the objectives of the petitions more effectively by providing much more housing.
4. The petitions unnecessarily create another administrative layer, through a new Cambridge Housing Trust, whose function could be reasonably handled through existing city housing programs. A new organization could reasonably be created to provide policy direction in the execution of a Linkage Program.
5. The current proposals, in attempting to conform to the apparent requirements of Chapter 40A (the Zoning Enabling statute), require special permits for all but the very smallest developments in the city. The administrative burden on the city and private development under this provision would be substantial. The statutory requirement for increased intensity of development bonuses does not appear to have been met in these current petitions. In addition, land in the same zone is treated substantially differently under these two proposals as there is only a small exemption (10,000 square feet for commercial development) which is unrelated to the size of the lot. Therefore small lots may totally escape the imposition of any requirement while very large lots have most of the development potential taken away unless they meet the requirements of the linkage/inclusionary sections of the zoning ordinance. If a

linkage/inclusionary ordinance is to be immediately useful it must be reasonably secure legally from court challenge.

6. The Board has fashioned a draft linkage/inclusionary provision which addresses many of the concerns expressed above (please review the Memo to the Planning Board from Kathy Spiegelman) by making clear the bonus provisions that are being offered. As drafted the FAR permitted on a lot as-of-right is reduced by 20% unless the provisions of the linkage/inclusionary ordinance are met. The tradeoff to the city is that either the scale of development is reduced and therefore its impact on the city is reduced or an increased scale of development is compensated through the provision of low and moderate income housing.

Nevertheless the Board is still concerned that this proposal would be subject to challenge for not meeting the intent of Chapter 40A to provide bonuses in the form of increased intensity of development in exchange for low and moderate income housing. The Board would like to explore other mechanisms for achieving conformance including tying housing requirements to granting of variances/special permits for relaxed height or setback requirements and for other relaxation of base zoning requirements now granted in the PUD districts. Additional suggestions may be forthcoming if they are actively sought out.

7. Deliberations on the current petitions have resulted in considerable confusion, delay, and expense on the part of those who wished to secure building permits after considerable time spent in planning and development of a variety of building proposals (including housing projects supported in part by the City of Cambridge). Should further deliberation ensue, it is appropriate that such costly delays be eliminated by permitting the issuance of building permits under current zoning requirements until final adoption of any linkage/inclusionary ordinance has been secured.

Respectfully submitted for  
Planning Board

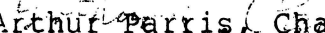
  
Arthur Parris, Chairman

Chart dated January, 1985

Attachments: Memo to Planning Board dated January 7, 1985  
draft Zoning Amendment dated January 31, 1985



# CITY OF CAMBRIDGE

## COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

To: The Planning Board

January 7, 1985

From: Kathy A. Spiegelman  
Assistant City Manager for Community Development

The Planning Board and Community Development Department have been discussing inclusionary zoning and linkage over a period of years. It is now important to respond to the City Council's petition. At the Council hearing on the two inclusionary zoning/linkage petitions now filed, members of the Council expressed an interest in hearing suggestions for modifying the current proposals. We have recommendations from our previous proposals as well as some additional suggestions based on what we have learned since then.

While the current petitions have some of the elements necessary for successful inclusionary and linkage programs, they do not have many others. The Community Development Department maintains that neither petition in its current form will create a successful program for either inclusionary zoning or linkage. At the hearings we outlined eight points for making such programs successful. The elements we outlined are based on an analysis of our own work and research about other programs. They are based on the assumption that to be successful, an inclusionary zoning program must pool all potential resources to maximize housing opportunities for those who cannot otherwise afford them and that a successful linkage program must embody the basic concept of promoting the economic feasibility of private development. This requires flexibility, cooperation and timeliness on the part of the public sector.

Following is a re-listing of the eight elements for a successful inclusionary zoning and linkage program with proposed changes to the filed petitions. The requirement for the inclusion of low and moderate income units in housing developments and that for linking commercial developments to contributions for low and moderate income housing are two related but distinct programs. It is recommended that the ordinance separate the requirements for each within the zoning code.

1. The private real estate development community joins the public sector in the provision of expanded opportunities for decent, affordable housing.
  - Most of the changes recommended in this memo are intended to make the inclusionary and linkage programs recognize a balance between what the City wants and what developers can provide, this being the only way to see housing actually produced with new private sector participation.
2. Developer contributions are combined with other housing programs to achieve optimal results through leveraging.
  - Cash equivalency is set at level of \$40,000 (1/2 the cost of a unit) which implies that the private developer is being asked to share the cost of creating inclusionary units. Requiring the private developer to pay 100% of the cost is a burden which would make many projects infeasible.
  - Require units to be kept available to targeted population for 20 years. As currently phrased, the "permanent" requirement will make it difficult to combine linkage payments with public subsidy programs and still meet this requirement.
3. City makes an affirmative municipal contribution rather than attempting to "regulate new housing into existence."
  - A) Offer a quid pro quo through zoning bonuses, expedited processing or other incentive for stepped up developer contributions.
    - Allow up to 80% of permitted FAR before housing requirement is triggered. (See #8) This provides legal strength to the ordinance's provisions. The trade-off for the City is either less intensive development or housing assistance.
    - Add a provision that sites of five acres or more trigger the linkage requirement at 50% of allowable FAR rather than at 80%. This means City does not lose the opportunity to create linkage in large scale projects where such linkage is feasible but the size of land area controlled might provide a loophole.

- Require that any project which requests relief from dimensional regulations automatically triggers the linkage requirements regardless of %age of allowable FAR used.
  - Ordinance should state the City's support for private housing developers to exceed the minimum inclusionary requirements by offering priority access to subsidies to those projects which will provide more than the minimum requirement. This should not, however, become a way to encourage actual zoning violations in inclusionary projects.
- B) Assist the private developer to produce the housing. Cannot expect a developer to bear the total burden with no positive City action.
- By requiring a cash equivalency of \$40,000 per unit, the City is agreeing to share with the developer the cost and responsibility for producing low cost housing.
4. Flexibility is allowed to negotiate site specific components - e.g. unit sizes, locations, low vs. moderate income mix. These components should not be reduced to a "cookbook" of detailed regulations that may be inappropriate or impossible to achieve.
- Remove from the ordinance the specificity of unit sizes and number of bedrooms. Allow the Advisory Committee to establish standards and for the City to be flexible in negotiating the best combination of details for a project. This would greatly enhance the likelihood of producing housing through this program. It also prevents the creation of detail requirements which prevent the combined use of subsidy programs which have their own specific requirements.
5. Developer contributions are set at reasonable levels.
- A) Mandatory contributions should not result in economic infeasibility of development.
- Exempt substantial rehabilitation of buildings which are already regulated by Rent Control and which will continue to be so regulated

when completed. City should not multiply regulatory requirements for particular projects to the extent that such projects become totally infeasible, especially when such over-regulation would serve to discourage preservation of older housing in need of reinvestment, thereby aggravating the shortage of affordable housing.

- Change housing exemption from 7 to 9 units in order to enhance feasibility of small scale or infill housing developments.
  - Change commercial development exemption to 30,000 square feet. This lessens possibility that this requirement will prevent a project from going forward. (Incentive for rehab by increasing exemption to 50,000 square feet, see 5D). (In theory it should be possible to pro-rate contributions for all projects rather than provide for exemptions. However, it must be recognized that the Statutory and administrative responsibilities for such a comprehensive program would be much more extensive and might have strong negative impacts on the operation of the program.)
  - Allowing payments over time. This dramatically reduces the impact of such a requirement on the feasibility of a development.
  - Reduce financial impact by setting cash equivalent at \$40,000 per required unit.
- B) Contributions should be viewed as part of overall package contributed by developer, including jobs, open space amenities, etc.
- By setting the housing requirements at a feasible level and by using the special permit process, the City will be able to broadly evaluate development impacts and put the housing piece in consideration with other sought-after amenities.
- C) Contributions should be flexible - units, dollars or sites.

- . The program will work well if the objective of providing expanded housing opportunities is achieved through cooperation and flexibility so that contributors are encouraged to propose mutually beneficial solutions.
- D) Contributions should be related to impact of a development project.
- . Allow a commercial exemption of 30,000 square feet to tie requirement to projected impacts of developments and reduce impact on local small business expansion.
  - . Provide for linkage in large scale projects and in projects requesting relief from other aspects of the zoning ordinance (see 3A).
  - . To encourage rehabilitation of existing buildings, set the exemption for new construction at 30,000 square feet and for rehabilitation at 50,000 square feet.
- E) Contributions should be allowed over time.
- . Allow linkage payments to be made up front or over ten years: \$40,000/unit up front or \$40,000/unit indexed to inflation over ten years.
6. Administration of program is manageable - timely processing of applications, clear responsibilities and requirements, representative compositions on Board, adequate staff support and budget.
- . An Advisory Committee for Linkage and Inclusionary Housing should be established, to shape policy in the use of funds and implementation of projects generated by the requirements of the ordinance. Rather than a Trust with responsibility to hold funds and administer operations of a program, this group would use the City's current means of administering housing programs which is handled by the Housing Division of the Community Development Department, in conjunction with the Housing Authority, the non-profit housing rehabilitation agencies and the housing subcommittee of the City Council.

- Composition of the Advisory Committee should be representative of the groups who make housing programs work: City officials, residents (both tenant and homeowner), local business interests and local lenders.
7. Targeted population is given access to units over an extended period of time through resale agreements or rent regulatory provisions.
- Ideal notion of putting a permanent requirement into the ordinance is at variance with most public subsidy programs with which this program should be combined. Standard requirement is 20 years, This is linked to money borrowed for such purposes.
8. Public purpose under zoning is clearly stated making the requirement legally defensible. must not be a "tax." Must not be a "taking."
- Allow development as-of-right up to 80% of permitted FAR's; more than 80% requires compliance with inclusionary/linkage provisions of the ordinance. This addresses the legal issue of using incentives to encourage housing contributions without denying development rights currently existing nor creating height, bulk, and density limits beyond already ample provisions.
  - To meet the legal requirements of Chapter 40A, it is recommended that the special permit process be used in conjunction with the housing requirements.

cc: Robert W. Healy, City Manager  
City Council

A. AMEND THE ZONING ORDINANCE OF THE CITY OF CAMBRIDGE BY DELETING  
THE EXISTING Section 5.25 - FAR Exceptions AND SUBSTITUTE THEREFOR  
A NEW Section 5.25 - Floor Area Ratio AS FOLLOWS:

*Roll Call #9  
Carried*

5.25 Floor Area Ratio

a. The maximum ratio of floor area to lot area indicated in Section 5.30 - District Dimensional Regulations shall be permitted only upon compliance with the provisions of Sections 11.100, 11.200, 11.300 of this Ordinance. Maximum Floor Area Ratios permitted without reference to the provisions of Sections 11.100 - 11.200 shall be 80% of those indicated in Section 5.30. for lots of five (5) acres or less, and 50% for lots greater than five (5) acres, as illustrated by the following schedule.

Maximum FAR in Table 5.30	80% of FAR in Table 5.30	50% of FAR in Table 5.30
.5	.4	.25
.75	.6	.375
1.00	.8	.50
1.25	1.00	.625
1.50	1.20	.75
1.75	1.40	.875
2.00	1.60	1.00
2.50	2.00	1.25
3.0	2.40	1.50
4.0	3.20	2.0

b. FAR Exceptions. A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

B. AMEND THE ZONING ORDINANCE OF THE CITY OF CAMBRIDGE BY CREATING  
THREE NEW Sections 11.100, 11.200 and 11.300 AS FOLLOWS:

Create a new Section 11.100

11.100 Low and Moderate Income Household Inclusionary Housing Requirements for Residential Development.

11.101 Purpose

This Section 11.100 is intended to require the provision of low and/or moderate income family housing as a component of many new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.102 Applicability

11.102.1 The provision of this Section 11.100 shall apply to any residential development containing any one or combination of the following uses:

- (a) Detached dwelling for one family (4.31 a)
- (b) Two family dwelling (4.31 b)
- (c) Townhouse development (4.31 d)
- (d) Multifamily dwellings (4.31 g)
- (e) Existing dwelling converted for more than two families (4.31 h)
- (f) Elderly oriented congregate housing (4.31e)
- (g) Existing dwelling converted for elderly oriented congregate housing (4.31f)

11.102.2 The uses listed in the above Section 11.102.1 shall comply with the provisions of this Section 11.100 when they are created by (a) new construction or (b) conversion of a non-residential structure to residential use. For the purpose of this Subsection 11.102.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure. No provision of this Section 11.102.2 regarding substantial rehabilitation shall modify any requirements for a removal permit for housing units subject to rent control. However, substantial rehabilitation of dwellings subject to Cambridge's rent control ordinance and approved by the Cambridge Rent Control Board shall not be subject to the provisions of this Section 11.100

11.103 Quantity Requirements

11.103.1 Purpose

These requirements are intended to ensure that most new residential development in the City contain units available to low and moderate income families who are not served by new market rate housing construction.

11.103.2 Any residential development containing uses subject to this Section 11.100 as determined by Section 11.102 above shall make provision for units suitable for, affordable by and available to low and moderate income households (herein after known as required units) in an amount equal to at least 10% percent of the total number of residential units authorized. The requirements of this Section 11.100 shall apply to the total development authorized on the subject lot (as defined in Section 11.305 ) only after application of both of the following threshold and exemption provisions:

25%

Roll Call #3  
Completed

Threshold

(a) Total gross floor area of all development on the lot (residential and other uses) is greater than 80% of that permitted by the applicable base zoning designation for lots of five (5) acres or less, or 50% for lots greater than five (5) acres. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district which are permitted or required as-of-right, as detailed in Section 5.30.

ONE (1) ACRE → ONE (1) ACRE

Roll Call #9  
Completed

Exemption

(b) More than nine (9) dwelling units have been constructed after the effective date of this Section 11.100. The ten (10%) percent requirements of this Section 11.103 shall however be applied only to dwelling units constructed in excess of the nine units described in this paragraph (b).

25%

25%

2

Roll Call #3  
Completed

Roll Call #3  
Completed

Roll Call #4  
Completed

Where the application of the 10% requirement results in a fractional number one additional inclusionary unit shall be provided.

11.103.3 All requirements of Section 11.300 shall be met.

11.200 Low and Moderate Income Linkage Housing Requirements for Office, Institutional and Retail Development.

11.201 Purpose

This Section 11.200 is intended to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.202 Applicability

11.202.1 The provision of this Section 11.200 shall apply to any office, institutional and retail development containing any one or combination of the following uses: EXCEPT A NON

*Roll #8  
6-4-0  
5-4-0  
Commercial*

*PROFIT HOSPITAL*

- (h) Hotel or Motel (4.31 i(2) )
- (i) Radio and television studio (4.32f)
- (j) Office and laboratory use (4.34)
- (k) Retail business and consumer service establishments (4.35)
- (l) Institutional Uses (4.33 as detailed in 4.56c 5, 6,8; d 1,2; e 1-7)

11.202.2 (a) The uses listed in the above Section 11.202.1 shall comply with the provisions of this Section 11.200 when they are created by (a) new construction or (b) conversion from any use not listed in 11.202. above. For the purpose of this Subsection 11.202.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure.

(b) Except for non-residential structures converted to residential use which shall be subject to Section 11.100 no structure once subject to the provisions of this Section 11.200 shall be additionally subject to this Section if converted to another use listed in Subsection 11.202.1

11.203 Quantity Requirements

11.203.1 Purpose

These requirements are intended to ensure that the increased demand for housing generated by new employees brought to Cambridge by commercial and other non-residential development does not further disadvantage low and moderate income families already unable to secure adequate affordable housing.

*No Change*

*Roll Call #5 Failed*

11.203.2 Any office, institutional or retail development subject to this Section 11.200 as determined by Section 11.202 above shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households (required units) in an amount equal to one required unit for each 12,000 square feet of gross floor area authorized on the subject lot as defined in Section 11.305 after application of both of the following threshold and exemption provisions. Where the application of the above requirement results in a fractional number one additional unit shall be provided.

a. Exemption

*No Change*

*Roll Call #7 30000 to 41000 Failed*

The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.200 shall be exempt from requirements of this Section 11.200 Where the gross floor area constructed is as a result of substantial rehabilitation of an already existing structure, 50,000 square feet shall be exempt.

b. Threshold

*1 acre*

The total gross floor area of all development on the subject lot, as defined by Section 11.200, is greater than 80% of that permitted by the applicable base zoning designation for lots of five (5) acres or less, and 50% for lots greater than five (5) acres. Nevertheless, with the exception of the gross floor area identified in paragraph (a) above all gross floor area constructed after the effective date of this Section 11.200 shall be subject to the linkage requirements of this Section 11.200 once the 80% or 50% thresholds have been exceeded. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district that are permitted/required as-of-right, as detailed in Section 5.30.

*1 acre*

*#9  
Roll  
Call  
Failed*

11.203.3 All requirements of Section 11.300 shall be met.

11.300 STANDARDS, CRITERIA, PROCEDURES, AND ADMINISTRATION FOR INCLUSIONARY AND LINKAGE HOUSING REQUIREMENTS.

11.301 Special Permit

All residential, office, retail and institutional development subject to Sections 11.100 and 11.200 shall be permitted only after issuance of a special permit from the Planning Board of the City of Cambridge. In issuing a special permit the Board shall find that the provisions of Section 10.40 have been met as well as the purposes, standards and criteria established in these Sections 11.100, 11.200 and 11.300.

11.301.1 All deeds, agreements, site plans, and other documents necessary to demonstrate compliance with the provisions of Sections 11.100 - 11.300 shall be submitted to the Planning Board as part of the special permit application.

Should a special permit be issued all agreements necessary to ensure the construction of units or equivalent payment to the City shall be executed before the issuance of a building permit. No certificate of occupancy for any building in an authorized development shall be issued until the units required have been constructed, the payment required has been made to the City, or an arrangement has been made for compliance over an agreed upon length of time, not to exceed ten (10) years.

Any required payments or deferred compliance obligations shall constitute a lien on the property. The Planning Board shall require the execution of such surety as may be necessary to ensure compliance should it be made after the issuance of a certificate of occupancy.

11.302 Options for provision of required units

11.302.1 The low and moderate income units required in Sections 11.100 and 11.200 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site or on another site or sites elsewhere in Cambridge provided the provisions of this Section 11.300 are met.
- (b) Cash payment to the City of Cambridge to be administered in accordance with policies and standards developed by the Cambridge Inclusionary Housing and Linkage Advisory Committee herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with of this Section 11.300. Such cash payment may be made over ten years provided any deferred payments are made in constant dollars as determined by the Consumer Price Index.
- (c) Conveyance of vacant land to the City of Cambridge which in all aspects of location, zoning, access, shape, etc. is suitable for the construction of housing and has a current appraised fair market value at least equal to (b) above.

11.303 Determination of cash equivalency

The cash equivalent of the required units, as authorized in 11.302.1 (b) above, shall be \$40,000 per required unit, adjusted annually by the Community Development Department using the consumer price index for the Boston Metropolitan Area as published by the United States Department of Labor or any successor agency.

11.304 Characteristics of Required Units

The following standards shall be applied to all required units built or financed in whole or in part through the provisions of Sections 11.100-11.200. The Advisory Committee may, as part of its responsibilities, develop such policies and standards as may be appropriate to advance the intent of the following regulations.

- 11.304.1 The required units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.300 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where housing is to be devoted exclusively to elderly, handicapped, and other special needs households these restrictions as to unit and family size shall not apply.

- 11.304.2 For the purpose of these Sections 11.300 a low/moderate income household shall be one having an eligible income not exceeding 80% of the median family income for the Boston Metropolitan Area; the median family income shall be as determined by the federal Department of Housing and Urban Development or any successor agency, and shall be adjusted for family size.

Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

- 11.304.3 The required units shall, to a reasonable extent, serve a diversity of incomes and family sizes and shall to the extent possible preferentially serve Cambridge residents. It is the intent of these Sections 11.100 - 11.300 that very low income as well as moderate income households be served.

The Advisory Committee shall establish standards for the size of required units which shall be consistent with the size of similar units in public, assisted, and market rate housing.

- 11.304.4 The required units shall be dispersed throughout the housing development and not concentrated in any one location.
- 11.304.5 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low and moderate income households will be available for a minimum of twenty years for those low and moderate income households.
- 11.304.6 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development unless otherwise permitted by the Planning Board.
- 11.304.7 The provisions of this Section 11.300 shall not apply to housing constructed by a public agency or non-profit corporation using a federal, state or local housing assistance program.
- 11.304.8 The City of Cambridge encourages developers to exceed the inclusionary housing requirements of Section 11.100. It is the intention of these Sections 11.100-11.300 that such developments should receive priority access to available housing subsidies.
- 11.305 Property Subject to this Section

The provisions of Sections 11.100-200 shall apply to all new construction and converted buildings constructed on a lot after the effective date of these Sections 11.100-300. For the purpose of Sections 11.100 - 11.200 a lot shall be defined as:

- (a) a lot or adjacent lots in the same ownership in existence on November 15, 1984 regardless of any subsequent change in ownership or control or subdivision thereof; or
- (b) a group of such Lots in different or the same ownership on November 15, 1984 which has been assembled in whole or in part for development purposes or which constitutes a development parcel.

The provisions of Sections 11.00 and 11.200 shall be applied to the cumulative number of units and/or gross floor area constructed on a lot after November 15, 1984 as determined by this Section 11.305

- 11.306 Cambridge Inclusionary Housing and Linkage Advisory Committee

There shall be established a Cambridge Inclusionary Housing and Linkage Advisory Committee which shall be governed by a seven member board whose members shall be residents of Cambridge and appointed by the City Manager, as follows:

- (a) a representative from the Cambridge Housing Authority
- (b) a representative of a Cambridge based non-profit housing corporation, [on a rotating basis.] ✓
- (c) a Cambridge tenant
- (d) a Cambridge homeowner
- (e) a Cambridge based business person or real estate developer
- (f) a Cambridge lender
- (g) Cambridge City Manager or his designee

*Roll  
back  
#11  
No change*

11.306.1 Powers, Duties and Responsibilities of the Advisory Committee

The Advisory Committee shall:

- (a) Review the dispersal of all funds and land conveyed to the City of Cambridge under the provisions of these Sections 11.100 and 11.200.
- (b) Develop such policies production and standards as may be appropriate for the of housing required and/or financed under the provisions of these Sections 11.100 - 11.300.
- (c) Provide assistance to the Planning Board in the administration of this Section 11.300

The Advisory Committee shall have all powers necessary to carry out its responsibilities under the provisions of this Section 11.306 and shall receive staff, technical and administrative assistance from the Cambridge Community Development Department.

11.306.2 All deeds, agreements, site plans, and other documents submitted to the Planning Board in application for a special permit under Sections 11.100, 11.200 and 11.300 shall be submitted to the Advisory Committee for review prior to the issuance of a special permit. Within sixty-five (65) days of such submittal to the Advisory Committee it shall make a report to the Planning Board as to whether all requirements of this Section 11.300 have been met. No special permit may

be granted until the Board has received such written report from the Advisory Committee, or 65 days have elapsed.

C. THE ZONING AMENDMENTS A AND B SHALL TAKE EFFECT UPON ORDINATION BY THE CITY COUNCIL. BUILDING PERMITS ISSUED BEFORE ORDINATION SHALL CONFORM TO THE ZONING PROVISIONS CURRENTLY IN EFFECT.

Impact of Linkage Fee on Commercial Rents

1985 CDD Proposal

Project Size (S.F.)

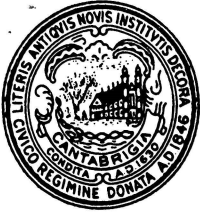
	50,000	100,000	150,000	200,000	250,000
<u>UP FRONT</u>					
Total Amount	\$ 80,000.	\$240,000.	\$400,000.	\$600,000.	\$760,000.
Total Units	2	6	10	15	19
<u>YEAR</u>					
1					
Annual Amount	\$ 3,000.	\$ 24,000.	\$ 40,000.	\$ 60,000.	\$ 76,000.
Annual Per SF	\$ .16	\$ .24	\$ .27	\$ .30	\$ .30
2					
Annual Amount	\$ 8,400.	\$ 25,200.	\$ 42,000.	\$ 63,000.	\$ 79,800.
Annual Per SF	\$ .17	\$ .25	\$ .28	\$ .32	\$ .32
3					
Annual Amount	\$ 8,820.	\$ 26,460.	\$ 44,100.	\$ 66,150.	\$ 83,790.
Annual Per SF	\$ .18	\$ .27	\$ .29	\$ .33	\$ .34
4					
Annual Amount	\$ 9,261.	\$ 27,783.	\$ 46,305.	\$ 69,458.	\$ 87,980.
Annual Per SF	\$ .19	\$ .28	\$ .31	\$ .35	\$ .35
5					
Annual Amount	\$ 9,724.	\$ 29,172.	\$ 48,620.	\$ 72,931.	\$ 92,379.
Annual Per SF	\$ .20	\$ .29	\$ .33	\$ .37	\$ .37
6					
Annual Amount	\$ 10,210.	\$ 30,631.	\$ 51,051.	\$ 76,578.	\$ 96,998.
Annual Per SF	\$ .21	\$ .31	\$ .34	\$ .38	\$ .39
7					
Annual Amount	\$ 10,721.	\$ 32,163.	\$ 53,604.	\$ 80,407.	\$101,848.
Annual Per SF	\$ .22	\$ .32	\$ .36	\$ .40	\$ .41
8					
Annual Amount	\$ 11,257.	\$ 33,771.	\$ 56,284.	\$ 84,427.	\$106,940.
Annual Per SF	\$ .23	\$ .34	\$ .38	\$ .42	\$ .43
9					
Annual Amount	\$ 11,820.	\$ 35,460.	\$ 59,098.	\$ 88,648.	\$112,287.
Annual Per SF	\$ .24	\$ .36	\$ .39	\$ .44	\$ .45
10					
Annual Amount	\$ 12,411.	\$ 37,233.	\$ 62,053.	\$ 93,080.	\$117,901.
Annual Per SF	\$ .25	\$ .37	\$ .41	\$ .47	\$ .47
<u>OVER TIME</u>					
Total Amount	\$100,624.	\$301,873.	\$503,115.	\$754,679.	\$955,923.
Avg. Ann. Amt	\$ 10,062.	\$ 30,187.	\$ 50,312.	\$ 75,468.	\$ 95,592.
Avg. Ann. SF	\$ .21	\$ .30	\$ .34	\$ .38	\$ .38

Note: Above annual figures based on average 5% annual inflation rate.

Prepared by Cambridge Community Development Department  
January, 1985

Comparison of Linkage Fees and Impacts on Commercial Rents

<u>Development Project Size</u>	<u>1985 CDD Formula</u>			<u>1984 Council Formula</u>			<u>Boston Formula</u>		
	<u>Total (units)</u>	<u>Annual Cost (Average)</u>		<u>Total (units)</u>	<u>Annual Cost</u>		<u>Total</u>	<u>Annual Cost</u>	
		<u>Amount</u>	<u>Per S.F.</u>		<u>Amount</u>	<u>Per S.F.</u>		<u>Amount</u>	<u>Per S.F.</u>
30,000 Square Feet	\$ 0.	\$ 0.	\$ .00	\$ 150,000. (2)	\$ 23,642.	\$ .79	\$ 0.	\$ 0.	\$ .00
50,000 Square Feet	\$100,624. (2)	\$10,062.	\$ .21	\$ 300,000. (4)	\$ 47,283.	\$ .95	\$ 0.	\$ 0.	\$ .00
100,000 Square Feet	\$301,873. (6)	\$30,187.	\$ .30	\$ 675,000. (9)	\$106,387.	\$1.07	\$ 0.	\$ 0.	\$ .00
150,000 Square Feet	\$503,115. (10)	\$50,312.	\$ .34	\$1,050,000. (14)	\$165,491.	\$1.11	\$250,000.	\$20,833.	\$ .14
200,000 Square Feet	\$754,679. (15)	\$75,468.	\$ .38	\$1,425,000. (19)	\$224,595.	\$1.13	\$500,000.	\$41,666.	\$ .21
250,000 Square Feet	\$955,923. (19)	\$95,592.	\$ .38	\$1,800,000. (24)	\$283,699.	\$1.14	\$750,000.	\$62,500.	\$ .25



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

February 4, 1985

To the Honorable, the City Council:

Enclosed please find the Planning Board recommendation on the two Linkage/Inclusionary Housing zoning petitions now under consideration.

Very truly yours,

Robert W. Healy  
City Manager

RWH/mbf  
Enc.

0-16

Re: enclosing Planning Board recommendations\*  
on the two Linkage/Inclusionary Zoning peti-  
tions on Inclusionary Zoning & transmitting  
draft language Re: Inclusionary Zoning.

2/25/85 Planning Board  
Recommendation submitted  
& substituted for original  
table petition, then amended  
by City Council

3/4/85  
Revised text - Placed on  
file due to expiration of  
time limit.

In City Council,

February 4, 1985

2/4/1985

Referred  
to the  
PETITIONS